



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, SE
Charleston, WV 25304-2345
Phone: 304-926-0490
Fax: 304-926-0456

Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

January 4, 2008

INDEPENDENCE COAL COMPANY INC
HC 78 BOX 1800
MADISON, WV 25130

Gentlemen:

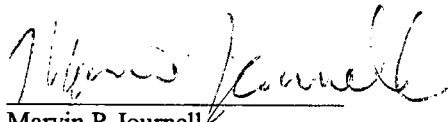
Enclosed is your WVNPDES Permit No. WV1016890 for your Surface Mine located near Twilight in Boone, Raleigh County, West Virginia.

We suggest that this permit or a copy of it be kept in the office nearest the discharge point.

If you have any questions, please contact me at (304) 792-7250 or by mail at:

Department of Environmental Protection
1101 George Kostas Drive
Logan, WV 25601
Attention: Marvin R Journell

Sincerely,



Marvin R Journell
Permit Writer

cc: Environmental Protection Agency
Environmental Inspector
DEP Regional Office File
Headquarters NPDES File ✓

Promoting a healthy environment.

PLAINTIFFS' EXHIBIT 1



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street, SE
Charleston, WV 25304-2345
Phone: 304-926-0495
Fax: 304-926-0457

Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

**WEST VIRGINIA
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WATER POLLUTION CONTROL PERMIT**

NPDES PERMIT NO.: WV1016890

ISSUE DATE: January 4, 2008

ASSOCIATED PERMITS: S500398, S502396, S502798

EXPIRE DATE: August 26, 2012

SUBJECT: Surface Mine

SUPERSEDES/ WV1016890 / 4/5/2005
EFFECTIVE DATE:

HEALTH CERTIFICATE:

LOCATION: Twilight	Boone, Raleigh	Group B	Coal River
(City)	(County)	(Hydrologic)	(Drainage Basin)

TO WHOM IT MAY CONCERN:

This is to certify that: INDEPENDENCE COAL COMPANY INC
HC 78 BOX 1800
MADISON, WV 25130

is hereby granted a West Virginia NPDES Water Pollution Control Permit to:

maintain and operate the Twilight MTR, Twilight II and the Twilight III Surface Mines in the Upper, Middle and Lower Kittanning, Lower Clarion, Upper and Lower Stockton, Coalburg, Upper and Lower Winifrede, Chilton "A" and Chilton Rider seams of coal; to receive untreated water from Performance Coal Company's permit (U-13-83, WV0064556) and and Elk Run Coal Company's permit (U-5021-96, WV 1016873) to treat and discharge at Outlet 014; to discharge treated water and/or stormwater run-off into Petry Fork and Chimney Branch of Matts Creek of West Fork, Bradley Fork, Simmons Hollow and the First, Second and Third Forks of James Creek of West Fork - all of Pond Fork of the Little Coal River of the Coal River; and to discharge storm-water runoff associated with haulroad drainage into Upper Big Branch of Marsh Fork of the Big Coal River of the Coal River.

This permit is subject to the following terms and conditions:

- The effluent limitations, monitoring requirements and other conditions set forth in Section A, B, C and D.
- See Section D Item 5 for Special Conditions.

By :

A handwritten signature in black ink, appearing to read "Lisa A. McClung", is written over a horizontal line. Below the signature, the name "Lisa A. McClung" and the title "Director" are printed in a standard font.

Lisa A. McClung
Director

Promoting a healthy environment.

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS			
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type	
001	L	37°54'54" 81°35'08"	1600	Flow	04/05/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated	
				pH	04/05/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab	
				Total Suspended Solids	04/05/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab	
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab	
				Settleable Solids	04/05/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab	
				Selenium, Total Recoverable	04/05/2007	04/05/2010	Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab	
					04/06/2010		Conc	Report Only	4.70	8.20	UG/L	Semi-monthly Rpt: Quarterly	Grab	
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab	
				Manganese, Total	04/05/2005		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab	
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab	
				Aluminum, Diss. (as Al)	04/05/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab	

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[illegible]

~~PLAINTIFFS' EXHIBIT 1~~

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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
003	L	37°53'54" 81°35'17"	1700	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab

(See 3, 4)

PLAINTIFFS' EXHIBIT 1

Permit No. WV1016890

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A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			Units	MONITORING REQUIREMENTS	
								Min. Daily	Avg. Monthly	Max. Daily		Measurement Freq.	Sample Type
004	L	37°54'03" 81°35'37"	1260	Flow	04/05/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	04/05/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	04/05/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	04/05/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	04/05/2005		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	04/05/2005		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	5.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	04/05/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
				(See 3, 4)									

PLAINTIFFS' EXHIBIT 1

Permit No. WV1016890

Page 6 of 45

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.
005	L	37°54'14" 81°35'34"	1680	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly
006	L	37°55'02" 81°35'51"	1580	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly

PLAINTIFFS' EXHIBIT 1

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

- 2. EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

PLAINTIFFS' EXHIBIT 1

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

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2. EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

[illegible]

ago

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[illegible]

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[illegible]

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[illegible]

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Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
020	L	37°55'24" 81°35'34"	1580	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab

(See 3, 4)

25

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

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[illegible]

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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
022	L	37°55'39" 81°34'45"	1560	Flow	04/05/2005		Quan	Report Only	Report Only	Report Only	GPM	Rpt: Quarterly	Estimated
				pH	04/05/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	04/05/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	04/05/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	04/05/2005		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	04/05/2005		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	04/05/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.
023	L	37°55'06" 81°33'07"	1050	Flow	04/05/2005		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly
				pH	04/05/2005		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly
				Total Suspended Solids	04/05/2005		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly
				Settleable Solids	04/05/2005		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly
				Selenium, Total Recoverable	04/05/2005		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly
				Iron, Total (As Fe)	04/05/2005		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly
				Manganese, Total	01/04/2008		Conc	Report Only	1.00	1.73	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Diss. (as Al)	04/05/2005		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly
024	L	37°56'09" 81°34'10"	2000	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly

PLAINTIFFS' EXHIBIT 1

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Permit No. WV1016890

Page 19 of 45

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								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
026	L	37°55'26" 81°34'36"	1910	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
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(See 3, 4)

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Page 1

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

[illegible]

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
028	L	37°55'36" 81°35'23"	1580	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
				(See 3, 4)									

PLAINTIFFS' EXHIBIT 1

0821

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

[illegible]

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
030	L	37°54'55" 81°33'35"	1660	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
031	L	37°54'46" 81°33'37"	2085	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											

PLAINTIFFS' EXHIBIT 1

PLAINTIFFS' EXHIBIT 1

Permit No. WV1016890
Page 24 of 45

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS	
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.
032	L	37°54'34" 81°33'38"	2105	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly
033	L	37°54'25" 81°33'40"	2120	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly

PLAINTIFFS' EXHIBIT 1

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
034	L	37°54'20" 81°33'46"	2125	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
035	L	37°54'11" 81°33'46"	2145	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											
		(See 3, 4)											

PLAINTIFFS' EXHIBIT 1

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
036	L	37°54'10" 81°33'37"	2160	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
037	L	(See 3, 4) 37°54'01" 81°33'34"	2185	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.52	2.63	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab

PLAINTIFFS' EXHIBIT 1

Permit No. WV1016890
Page 27 of 45

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
038	L	37°52'54" 81°34'33"	2065	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	N/A	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Settleable Solids	01/04/2008		Conc	Report Only	Report Only	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
				</									

PLAINTIFFS' EXHIBIT 1

1

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

[illegible]

PLAINTIFFS' EXHIBIT 1

3

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
040	L	37°53'16" 81°34'35"	2010	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Annual	Grab
				Settleable Solids	01/04/2008		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											
PLAINTIFFS' EXHIBIT 1													

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

[illegible]

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

[illegible]

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:
2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS		LIMITATIONS		MONITORING REQUIREMENTS	
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
043	L	37°53'34" 81°34'24"	2045	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Annual	Grab
				Settleable Solids	01/04/2008		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											
PLAINTIFFS' EXHIBIT 1													

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

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2. EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
044	L	37°52'56" 81°34'22"	2100	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Annual	Grab
				Settleable Solids	01/04/2008		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											
PLAINTIFFS' EXHIBIT 1													

PLAINTIFFS' EXHIBIT 1

DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. EFFLUENT LIMITATIONS AND MONITORING FREQUENCY: Outlets should be limited and monitored by the permittee as specified below:

[illegible]

PLAINTIFFS' EXHIBIT 1

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
046	L	37°52'11" 81°34'54"	2040	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Annual	Grab
				Settleable Solids	01/04/2008		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											

PLAINTIFFS' EXHIBIT 1

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. The permittee is authorized to discharge from Outlet Number(s) listed below:

2. **EFFLUENT LIMITATIONS AND MONITORING FREQUENCY:** Outlets should be limited and monitored by the permittee as specified below:

Outlet Number	Effluent Type	Latitude Longitude	Elevation In Feet	EFFLUENT CHARACTERISTICS	Begins	Ends	Quan/ Conc	DISCHARGE LIMITATIONS			MONITORING REQUIREMENTS		
								Min. Daily	Avg. Monthly	Max. Daily	Units	Measurement Freq.	Sample Type
047	L	37°53'23" 81°34'54"	2040	Flow	01/04/2008		Quan	Report Only	Report Only	Report Only	GPM	Semi-monthly Rpt: Quarterly	Estimated
				pH	01/04/2008		Conc	6.00	Report Only	9.00	Std Units	Semi-monthly Rpt: Quarterly	Grab
				Total Suspended Solids	01/04/2008		Conc	Report Only	35.00	70.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				TSS (Annual)	01/04/2008		Conc	N/A	183.00	N/A	MG/L	Semi-monthly Rpt: Annual	Grab
				Settleable Solids	01/04/2008		Conc	N/A	N/A	0.50	ML/L*	See Section A of Permit Rpt: Quarterly	Grab
				Selenium, Total Recoverable	01/04/2008		Conc	Report Only	Report Only	Report Only	UG/L	Semi-monthly Rpt: Quarterly	Grab
				Iron, Total (As Fe)	01/04/2008		Conc	Report Only	1.42	2.46	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Manganese, Total	01/04/2008		Conc	Report Only	2.00	4.00	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Total (as Al)	01/04/2008		Conc	Report Only	0.43	0.75	MG/L	Semi-monthly Rpt: Quarterly	Grab
				Aluminum, Diss. (as Al)	01/04/2008		Conc	Report Only	Report Only	Report Only	MG/L	Semi-monthly Rpt: Quarterly	Grab
		(See 3, 4)											

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

* Instantaneous maximum limitation not to be exceeded at any time.

3. COMPLIANCE POINT: Samples taken for compliance with the above monitoring requirements shall be taken at the following locations: Outlet sites
4. ALTERNATE EFFLUENT LIMITATIONS: If alternate effluent limits are chosen, the following monitoring scheme applies:
 - (a) Table I Alternate Storm Limitations applies to any discharge or increase in the volume of a discharge caused by precipitation within any 24-hour period.
 - (b) Analyze the required parameters, which are determined by effluent type (listed in A.1.) and rainfall event, listed in Table I Alternate Storm Limitations.
 - (c) The permittee shall have the burden of proof that the discharge or increase in discharge was caused by the applicable rainfall event. This shall be verified by the use of a rainfall gauge located within three miles of the discharge point and last emptied no more than twenty-four hours prior to the time the sample was taken. Automated rain gauges may also be utilized. The sampling date and amount of rainfall measured by the gauge shall be reported on the Discharge Monitoring Report(DMR).
5. The rainfall gauge shall be located within three miles of the discharge point and last emptied not more than 24 hours prior to the time the sample was taken. Automated rain gauges may also be utilized. The sampling date and amount of rainfall measured for the 24-hour period of the sample being collected shall be reported on the Discharge Monitoring Report(DMR) for each DMR reported.
6. SUBMISSION OF DISCHARGE MONITORING REPORTS (DMRs):
 - (a) Permittee shall submit each quarter, according to the enclosed format, a Discharge Monitoring Report (DMR) indicating the values of the constituents listed in Part A, to be in the discharge measured at the specific compliance points. All analyses must be determined by methods required in 40 CFR Part 136.
 - (b) The required quarterly reports shall be postmarked no later than twenty (20) days following the end of the reporting period and shall be sent to:
West Virginia Department of Environmental Protection
Division of Mining & Reclamation / HPU / NPDES Section
601 57th Street SE
Charleston, West Virginia 25304
 - (c) Enter reported average and maximum values under Quantity and Concentration in the units specified for each parameter, as appropriate.
 - (d) Specify the number of analyzed samples that exceed the allowable permit conditions in the columns labeled N.E. (i.e. number exceeding).
 - (e) Specify frequency of analysis of each parameter as number of analyses/specified period (e.g. 3/month is equivalent to 3 analyses performed every calendar month). If continuous enter Cont. The frequency listed on format is the minimum required.
 - (f) Calculations for all limitations which require averaging of measurements shall utilize an arithmetic means unless otherwise specified in the permit.
7. Any "not detected (ND)" results by the permittee must be "ND" at the method detection limit (MDL) for the test method used for that parameter and must be reported as less than the MDL used. The permittee

may not report the result as zero, "ND", or report the result as less than a minimum level (ML), reporting limit (RL), or practical quantitation limit (PQL).

When averaging values of analytical results for DMR reporting purposes for monthly averages, the permittee should use actual analytical results when these results are greater than or equal to the MDL and should use zero (0) when these results are less than the MDL. If all analytical results are non-detect at the MDL (<MDL), then the permittee should use the actual MDL in the calculation for averaging and report the results as less than the average calculation.

8. In incidences where a specific test method is not defined, the permittee shall utilize an EPA approved method with a method detection limit (MDL) sensitive enough to confirm compliance with the permit effluent limit for that parameter. If a MDL is not sensitive enough to confirm compliance, the most sensitive approved method must be used. If a more sensitive EPA approved method becomes available, that method shall be used. Should the current and/or new method not be sensitive enough to confirm compliance with the permitted effluent limit, analytical results reported as "not detected" at the MDL of the most sensitive method available will be deemed compliant for purposes of permit compliance. Results shall be reported on the Discharge Monitoring Reports as a numeric value less than the MDL.

TABLE 1
ALTERNATE STORM LIMITATIONS

EFFLUENT TYPES	DRY WEATHER	DCP*	1 YEAR - 24 HOUR	2 YEAR - 24 HOUR	10 YEAR - 24 HOUR
<u>ACID OR FERRUGINOUS CATEGORIES</u>					
a. Discharges from underground workings of underground mines not commingled	TSS pH Iron Flow Manganese Aluminum	(NO ALTERNATE LIMITATIONS)			
b. Discharges from underground workings of underground mines commingled	TSS pH Iron Flow Manganese Aluminum				Flow pH Aluminum
c. Controlled surface mine drainage(except steep slope and mountaintop removal)	TSS pH Iron Flow Manganese Aluminum				Flow pH Aluminum
d. Non-controlled surface mine drainage(except steep slope and mountaintop removal)	TSS Iron Flow pH Manganese Aluminum	SS** pH Iron Flow Manganese Aluminum	SS** pH Flow Aluminum		Flow pH Aluminum
e. Discharges from coal refuse disposal areas	TSS pH Iron Flow Manganese Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
f. Discharges from steep slope and mountaintop removal areas	TSS Iron Flow pH Manganese Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
g. Discharges from preparation plants and preparation plant associated areas (excluding coal refuse piles)	TSS Iron Flow pH Manganese Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
h. Discharges from reclamation areas	Flow SS** pH Aluminum				Flow pH Aluminum
<u>ALKALINE CATEGORY</u>					
i. Discharges from underground workings of underground mines not commingled	TSS pH Iron Flow Aluminum Mn	(NO ALTERNATE LIMITATIONS)			
j. Alkaline Mine Discharges	TSS Iron Flow pH Mn Aluminum	Flow SS** pH Aluminum			Flow pH Aluminum
k. Reclamation areas	Flow SS** pH Aluminum				Flow pH
<u>WATER QUALITY BASED LIMITS</u>					
l. Water quality based effluent limits	TSS Iron Flow pH Mn Al	SS** pH Iron Flow Manganese Aluminum			
m. Bathhouse & Sewage	UBOD BOD5 TKN DO	(NO ALTERNATE LIMITATIONS)			

DCP* -- Discharge or increase in the volume of a discharge caused by precipitation within any 24 hour period

SS** -- Settleable Solids

Mn -- Manganese

Al -- Aluminum

County: Boone
County: Raleigh

1-Year 02.38
1-Year 02.40

2-Year 02.72
2-Year 02.77

10-Year 03.96
10-Year 04.10

B. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the following interim requirements with the discharge limitations specified in this permit in accordance with the following schedule:

Interim Requirement**Completion Date**

Effective date of this permit

2. Reports of compliance or non-compliance with, and progress reports on the interim and final requirements contained in the above compliance schedule shall be submitted no later than fourteen (14) days following each schedule date.

N/A

C. TERMS AND CONDITIONS INCORPORATED BY REFERENCE TO THE WV NPDES REGULATIONS FOR COAL MINING AND FACILITIES, TITLE 47, SERIES 30.

- 5.1 Duty to Comply, Penalties
- 5.2 Duty to Reapply
- 5.3 Duty to Halt or Reduce Activity
- 5.4 Duty to Mitigate
- 5.5 Proper Operation and Maintenance
- 5.6 Permit Actions
- 5.7 Transfer
- 5.8 Property Rights
- 5.9 Duty to Provide Information
- 5.10 Inspection and Entry
- 5.11 Monitoring and Records
- 5.12 Signatory Requirements
- 5.13 Reporting Requirements
- 5.14 Bypass
- 5.15 Upset
- 5.16 Reopener Clause
- 5.17 Removed Substances
- 5.18 New Sources (if applicable)
- 5.19 Definitions

D. OTHER REQUIREMENTS**1. REPORTING SPILLS AND ACCIDENTAL DISCHARGES**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties established pursuant to Series 3, Section 1 of the Environmental Quality Boards regulations.

Attached is a copy of the West Virginia Spill Alert System for use in complying with Series 3, Section 1 of the regulations as they pertain to the reporting of spills and accidental discharges.

2. HAULAGEWAYS AND ACCESS ROADS

Haulageways and access roads shall be constructed and maintained in accordance with best management practices including, but not limited to, the performance standards contained in Title 38, Series 2, Section 4 of the West Virginia Surface Mining Reclamation Regulations.

3. RECEIVING STREAMS

The receiving streams shall be monitored by grab samples as required at the stream sampling points listed below, and the samples shall be analyzed for the parameters listed below. The flow of the stream shall also be estimated at the time of monitoring. Monitoring shall be done approximately at the same time as the discharge points are monitored as required under Section A of this permit. A quarterly report of the stream monitoring and flow shall be sent to the NPDES section in Charleston, on the enclosed forms along with the reports required under Section A. Based upon the stream monitoring flow data, water quality standards or other information, the Department may at any time modify the effluent limits in Section A of this permit for any of the discharge points if necessary, to insure compliance with water quality standards.

<u>STREAM STATION</u>	<u>LATITUDE</u>	<u>LONGITUDE</u>	<u>ELEV.</u>	<u>PARAMETERS</u>
DJC	37°55"18'	81°35"50'	1170	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DLFJC	37°55"18'	81°35"56'	1160	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DLFJC-2	37°55"45'	81°35"22'	1160	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DMC	37°54"02'	81°35"48'	1240	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DMF	37°55"47'	81°32"50'	880	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DULFJC	37°55"47'	81°35"18'	1320	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)

<u>STREAM STATION</u>	<u>LATITUDE</u>	<u>LONGITUDE</u>	<u>ELEV.</u>	<u>PARAMETERS</u>
DUTER	37°56"32'	81°34"00'	1590	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
DWF	37°55"06'	81°36"03'	1140	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UDH	37°55"05'	81°33"11'	1080	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UJC	37°54"08'	81°34"26'	1583	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
ULFJC	37°55"47'	81°35"20'	1320	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
ULFJC-2	37°56"05'	81°34"38'	1760	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UMC	37°53"36'	81°35"07'	1350	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UMC-1	37°52"39'	81°34"42'	1550	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UMF	37°55"31'	81°32"44'	920	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UUBB	37°54"26'	81°33"20'	1090	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UUBB-1	37°55"07'	81°33"07'	1036	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UUBB-2	37°54"00'	81°33"22'	1790	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)
UULFJC	37°55"39'	81°34"47'	1560	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)

<u>STREAM STATION</u>	<u>LATITUDE</u>	<u>LONGITUDE</u>	<u>ELEV.</u>	<u>PARAMETERS</u>
UWF	37°53'59'	81°35'50'	1230	Stream Flow cfs/ pH/ Selenium, Total Recoverable/ Iron, Total (As Fe)/ Manganese, Total/ Aluminum, Total (as Al)/ Aluminum, Dissolved (As AL)

4. SURFACE MINES

If the coal mining operation has been granted Phase II revegetation release and all discharge points have been eliminated during the period this permit is in effect, the discharge limitations and monitoring requirements in Section A and Section D.3 stream monitoring shall not apply. The coal mining operation shall be maintained in accordance with best management practices including, but not limited to the applicable performance standards contained in Title 38, Series 2, West Virginia Mining Reclamation Regulation until the associated performance bond has been final released.

none

The herein-described activity is to be extended, modified, added to, made, enlarged, acquired, constructed or installed, and operated, used and maintained strictly in accordance with the terms and conditions of this permit; the plans and specifications submitted with Permit Application No. N/A, completed the N/A day of N/A N/A; the information submitted with the application for Reissuance No. WV1016890 completed the 02 day of October 2007, with the plan of maintenance and method of operation thereof submitted with such application(s) with the WVNPDES Regulations, Series 30 and with any applicable rules and regulations promulgated by the State Environmental Quality Board.

Failure to comply with the terms and conditions of this permit, with the plans and specifications submitted with Permit Application No. N/A, completed the N/A day of N/A, N/A, with the information submitted with Application No. for Reissuance No. WV1016890 completed the 02 day of October, 2007 and with the plan of maintenance and method of operation thereof submitted with such application(s) shall constitute grounds for the revocation or suspension of this permit and for the invocation of all the enforcement procedures set forth in Article 11, Chapter 22 of the code of West Virginia.

This permit is issued in accordance with the provisions of Article 11, Chapter 22 of the Code of West Virginia and is transferable under the terms of WVNPDES Regulations, Series 30, Subsection 3.5.c.